

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 34**

Citations Affected: IC 35-44-3-2.

Synopsis: Assisting a criminal. Conference committee report for ESB 34. Provides, for purposes of the crime of assisting a criminal, that it is not a defense that the person assisted has not been prosecuted, has not been convicted, or has been acquitted by reason of insanity. **(This conference committee report removes provisions: (1) concerning defendant screening tests for dangerous diseases; (2) listing the offense of dealing in methamphetamine as an unrelated conviction in the law concerning habitual offenders; (3) establishing the criminal code evaluation commission; and (4) urging the legislative council to assign to an interim or a statutory study committee the topic of making ephedrine and pseudoephedrine schedule V controlled substances.)**

Effective: July 1, 2009.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 34 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 35-44-3-2 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. **(a)** A person not
- 4 standing in the relation of parent, child, or spouse to another person
- 5 who has committed a crime or is a fugitive from justice who, with
- 6 intent to hinder the apprehension or punishment of the other person,
- 7 harbors, conceals, or otherwise assists the person commits assisting a
- 8 criminal, a Class A misdemeanor. However, the offense is:
- 9 (1) a Class D felony if the person assisted has committed a Class
- 10 B, Class C, or Class D felony; and
- 11 (2) a Class C felony if the person assisted has committed murder
- 12 or a Class A felony, or if the assistance was providing a deadly
- 13 weapon.
- 14 **(b) It is not a defense to a prosecution under this section that the**
- 15 **person assisted:**
- 16 **(1) has not been prosecuted for the offense;**
- 17 **(2) has not been convicted of the offense; or**
- 18 **(3) has been acquitted of the offense by reason of insanity.**
- 19 **However, the acquittal of the person assisted for other reasons**
- 20 **may be a defense.**
- 21 SECTION 2. [EFFECTIVE JULY 1, 2009] **IC 35-44-3-2, as**
- 22 **amended by this act, applies only to crimes committed after June**

1 **30, 2009.**

(Reference is to ESB 34 as reprinted April 14, 2009.)

Conference Committee Report
on
Engrossed Senate Bill 34

Signed by:

Senator Bray
Chairperson

Representative Pierce

Senator Lanane

Representative Truitt

Senate Conferees

House Conferees